

Notice of Allowability

Application No.

10/684,008

Examiner

Nasser Ahmad

Applicant(s)

WHEATLEY, ALAN J.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/15/2006.
2. ☒ The allowed claim(s) is/are 49-58, 68-72, 78-84, 98-99, 109-130.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 9. Other: Drawings submitted on 10/10/2003 is acceptable by the examiner.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Garron M. Hobson on June 7, 2006.

The application has been amended as follows:

Claim 49, lines 1-2, the phrase "configured to be disposed on a vehicle surface and to receive and secure" has been replaced by the phrase - -in combination with a dashboard or console of a vehicle and receives and secures- -.

Claim 49, line 2, the word "device" has been substituted by - - combination- -.

Claim 49, line 2, after "comprising-", the phrase - -(a) a dashboard or console of a vehicle; - - has been added.

Claim 49, line 3, the element "a)" has been changed to - -(b)- -.

Claim 49, line 3, the phrase "to be configured" has been deleted.

Claim 49, line 3, the phrase "vehicle surface" has been changed to - -dashboard or console of the vehicle - -.

Claim 49, lines 5, 7, 8 and 10, the elements "b)", "c)", "d)" and "e)" have been changed to, respectively, - - (c)- -, - -(d)- -, - -(e)- - and - -(f)- -.

Claim 60 has been cancelled as being redundant with respect to claim 49.

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Claim 68, line 6, after "surface", the phrase - - having a plurality of indentations and protrusions and- - has been added.

Claim 78, line 6, after "surface", the phrase - - having a plurality of indentations and protrusions - - has been added.

Claim 98, lines 1-2, the phrase "configured to be disposed on a vehicle surface and to receive and secure" has been replaced by the phrase - -in combination with a dashboard or console of a vehicle and receives and secures- -.

Claim 98, line 2, the word "device" has been substituted by - - combination- -.

Claim 98, line 2, after "comprising-", the phrase - -(a) a dashboard or console of a vehicle; - - has been added.

Claim 98, line 3, the element "a)" has been changed to - -(b)- -.

Claim 98, line 3, the phrase "to be configured" has been deleted.

Claim 98, line 3, the phrase "vehicle surface" has been changed to - -dashboard or console of the vehicle - -.

Claim 98, lines 5, 8 and 9, the elements "b)", "c)", and "d)" have been changed to, respectively, - - (c)- -, - -(d)- - and - -(e)- -.

Claim 109, line 1, the phrase "disposed on" has been replaced by the phrase - -in combination- -.

Claim 109, lines 1-2, the phrase "to receive and secure" has been substituted by the phrase - -and receives and secures- -.

Claim 109, line 2, the word "device" has been substituted by - - combination- -.

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Claim 109, line 10, after "vehicle", the phrase - - ; and f) the item is removably secured to the top surface of the pad- - has been added.

Claim 120, line 1, the phrase "configured to be disposed on" has been replaced by the phrase - -in combination- -.

Claim 120, line 2, the phrase "to receive and secure" has been substituted by the phrase - -and receives and secures- -.

Claim 120, line 2, the word "device" has been substituted by - - combination- -.

Claim 120, line 8, after "translucent", the phrase - - ; and e) the item is removably secured to the top surface of the pad- - has been added.

Claim 131 has been cancelled as being redundant with respect to claim 98.

In the preliminary amendment filed on 10/10/2003, specification amendment, line 2, after "2002", the phrase- - , now U.S. Patent No. 6,673,409- - has been added.

2. The following is an examiner's statement of reasons for allowance:

A review of applicant's arguments made in the amendment filed on 5/15/2006 and a review of the instant amended claims has convinced the examiner that the claims are allowable over the applied prior art of record. The prior art fails to teach or suggest a frictional holding device in combination with a dashboard or console of a vehicle, and receives and secures an item thereon, wherein the device comprises a pad having a top surface with a plurality of indentations or protrusions; or a method of releasably securing an item on a dashboard or console of a vehicle. Also, no evidentiary support could be

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provided to support the position that the claimed invention would have been obvious to one having ordinary skill in the art.

The closest prior art PECK (USP 5899010) teaches a static cling banner but fails to teach it as a frictional holding device in combination with a dashboard or console of a vehicle and receives and secures an item thereon.

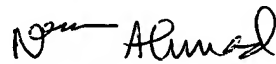
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 6/7/06
Primary Examiner
Art Unit 1772

N. Ahmad.
June 7, 2006.